

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

**FFWCT, LLC; USA FLAG, LLC; AND  
TRAVIS BURNETT,**

**Plaintiffs,**

**v.**

**USA FOOTBALL, INC.,**

**Defendant.**

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**Civil Action Nos. 4:23-cv-00465-ALM  
and 4:23-cv-00516-ALM**

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**DECLARATION OF MARK D. NIELSEN IN SUPPORT OF FFWCT, LLC’S, USA  
FLAG, LLC’S, AND TRAVIS BURNETT’S REPLY RE: THE FFWCT PARTIES’  
MOTION FOR PARTIAL SUMMARY JUDGMENT ON USA FOOTBALL’S CLAIM  
FOR DAMAGES**

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I, Mark D. Nielsen, declare:

1. I am an attorney admitted to practice in the States of Texas and California, and before this district court. I am a partner at the law firm of Scheef & Stone, LLP, representing FFWCT, LLC, USA Flag, LLC, and Travis Burnett (collectively, “USA Flag”), Plaintiffs in the above-captioned matter. I make this declaration of my own personal knowledge or on information and belief where so stated. If called as a witness, I could and would competently testify to the truth of the matters asserted herein.

2. I am generally familiar with the matters in the case having worked on it in various amounts since its inception.

3. I note that Exhibits 3 and 4 to this Declaration are being separately filed as part of a motion to seal (submitted herewith) given the confidentiality designations applied to these exhibits.

4. Attached hereto as **Exhibit 1** is a true and correct copy of an email thread between counsel for USA Football, Anne Ricchiuto, and myself. In the email thread, on November 20, 2023, I sent an email to Ms. Ricchiuto detailing what we believed were deficiencies in USA Football's discovery responses and requesting a meet and confer on the same. The email thread continued on December 15, 2023 when Ms. Ricchiuto responded with USA Football's supplemental discovery responses attached, a brief note at the top of the exhibit, and as she stated, she added various words written in red interspersed throughout my November 20, 2023 email to indicate that USA Football had supplemented certain responses, including that for FFWCT Interrogatory No. 7. I added the yellow highlighting in the exhibit to call certain portions of the exhibit to the Court's attention for purposes of this motion.

5. As noted near the top of Exhibit 1 in Ms. Ricchiuto's December 15, 2023 email, the parties met and conferred on November 30, 2023 concerning the various discovery items referenced.

6. Attached hereto as **Exhibit 2** are true and correct copies of excerpts of USA Football's original Responses to FFWCT's First Set of Interrogatories.

7. Filed with the motion to seal submitted herewith as **Exhibit 3** are true and correct copies of the referenced pages from the deposition of Charles Davis taken in this case.

8. Filed with the motion to seal submitted herewith as **Exhibit 4** are true and correct copies of the referenced pages from the deposition of Travis Burnett taken in this case.

I declare under penalty of perjury that the foregoing is true and correct. Executed on June 28, 2024 at Frisco, Texas.

/s/ Mark D. Nielsen  
Mark D. Nielsen

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY, that on June 28, 2024, a true and correct copy of the foregoing was electronically filed with the Court using the ECF system, which will send a notification of the filing via electronic mail to all counsel of record.

/s/ Mark D. Nielsen  
Mark D. Nielsen